

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Fountain Hill Drive, 100' N of the c/l
Timonium Road
(2137 Fountain Hill Drive)
8th Election District
4th Councilmanic District

Spiro S. Zachos, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-444-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Spiro S. and E. Louise Zachos. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the required 10 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

ORDER RECEIVED FOR FILING

Date

By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of June, 1999 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 8 feet in lieu of the required 10 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

CHECK RECEIVED FOR FILING
Date 6/10/99
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 10, 1999

Mr. & Mrs. Spiro S. Zachos
2137 Fountain Hill Drive
Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Fountain Hill Drive, 100' N of the c/l Timonium Road
(2137 Fountain Hill Drive)
8th Election District – 4th Councilmanic District
Spiro S. Zachos, et ux – Petitioners
Case No. 99-444-A

Dear Mr. & Mrs. Zachos:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the enclosed Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2137 FOUNTAIN HILL DR
which is presently zoned D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.B + 1B02.3.B BCZR

To permit an addition with a side yard setback of 8 feet
in lieu of the required 10 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No.

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

2137 Fountain Hill Dr MD 21093
Address Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Representative to be Contacted:

Company

Name

Address Telephone No.

Address

Telephone No.

City State Zip Code

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-444-A

Reviewed By JRF Date 5-7-99

Estimated Posting Date 5-16-99

ORDER RECEIVED FOR FILING

By 9/15/99

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2137 FOUNTAIN HILL DRIVE
Address
TIMONIUM MD 21093
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We have decided to enlarge to incorporate a two car garage, despite the expenses incurred, in order to minimize chances for theft or vandalism and increase safety of our cars and property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Spiro S. Zachos
Signature
SPIRO S. ZACHOS
Name - Type or Print

E. Louise Zachos
Signature
E. LOUISE ZACHOS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of APRIL, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SPIRO S. ZACHOS and E. LOUISE ZACHOS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

April 29, 1999
Date

Dorothy D. Handley
Notary Public
My Commission Expires 01/01/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2137 FOUNTAIN HILL DRIVE
Address
TIMONIUM MD 21093
City State Zip Code

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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Spiro S. Zachos
Signature
SPIRO S. ZACHOS
Name - Type or Print

E. Louise Zachos
Signature
E. LOUISE ZACHOS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of APRIL, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SPIRO S. ZACHOS and E. LOUISE ZACHOS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

April 29, 1999
Date

Sarahy D. Hanley
Notary Public
My Commission Expires 01/01/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2137 FOUNTAIN HILL DR
which is presently zoned _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3 B BCZR

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF
8 FEET IN LIEU OF THE REQUIRED 10 FEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

SPIRO S. ZACHOS
Name - Type or Print _____

Spiro S. Zachos
Signature _____

E. LOUISE ZACHOS
Name - Type or Print _____

E. Louise Zachos
Signature _____

2137 FOUNTAIN HILL DR (410) 560-2149
Address Telephone No.

TIMONIUM MD 21093
City State Zip Code

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 99-444-A

Reviewed By JRF Date 5-7-99

REV 9/15/98

Estimated Posting Date 5-16-99

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2137 Fountain Hill Drive

Beginning at a point on the West side of
Fountain Hill Drive which is 50 feet wide at
the distance of 100 feet North of the
centerline of the nearest improved intersecting street Timonium Road
which is 75 feet wide. Being Lot #19,
Block M, Plat Entitled "Resubdivision of Part of the Revised Plats
of Section V and Part of Section IV, Fountain Hill as recorded
in Baltimore County Plat Book #W.J.R. 27, Folio #128,
containing 18,000 square feet. Also known as 2137 Fountain Hill Drive
and located in the 8th Election District, 4th Councilmanic District.

444

99-444-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067382

DATE 5-7-99 ACCOUNT P-001-6150
AMOUNT \$ 50.00

RECEIVED FROM: Zachos
2137 Fountain Hill Dr. Item: 444
FOR: 01 Variance Taken by: JRP

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
5/10/1999 5/07/1999 14:45:36
REG 0601 CASHIER JRIC JMR DRAWER 1
Dept 5 528 ZONING VERIFICATION
Receipt # 10109%
CR NO. 067382
Receipt Tot 50.00
50.00 OK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

99-444-A

CERTIFICATE OF POSTING

RE: CASE # 99-444-A
PETITIONER/DEVELOPER:
{Spiro Zachos}
DATE OF Closing
{June 1, 1999}

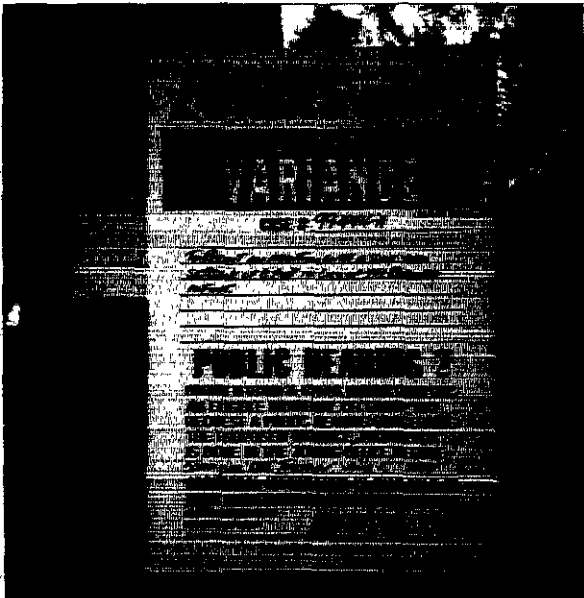
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
2137 Fountain Hill Drive Baltimore, Maryland 21093_____

The sign(s) were posted on _____ 5-14-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle 5/14/99
[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ {410} 687-8405 _____
[Telephone Number]

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 444 -A Address 2137 Fountain Hill Dr.

Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-7-99 Posting Date: 5-16-99 Closing Date: 5-31-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 99- 444 -A Address 2137 Fountain Hill Dr.

Petitioner's Name Spiro S. Louisa Zachos Telephone 410-560-2149

Posting Date: 5-16-99 Closing Date: 5-31-99

Wording for Sign: To Permit an addition with a side yard setback of
8 feet in lieu of the required 10 feet.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-444A

Petitioner: SPIRO + LOUISE ZACHOS

Address or Location: 2137 FOUNTAIN HILL DR. TIMONIUM, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: SPIRO + LOUISE ZACHOS

Address: 2137 FOUNTAIN HILL DRIVE
TIMONIUM, MD 21093

Telephone Number: 410-560-2149



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 2, 1999

Mr. & Mrs. Spiro S. Zachos
2137 Fountain Hill Drive
Timonium, MD 21093

RE: Case No.: 99-444-A
Petitioner: Zachos
Location: 2137 Fountain Hill Drive

Dear Mr. & Mrs. Zachos:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 7, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 1, 1999

FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for June 1, 1999
Item Nos. 421, 426, 435, 436, 437,
438, 444, 445, 447, 448, 449, 450,
and 453

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 25, 1999

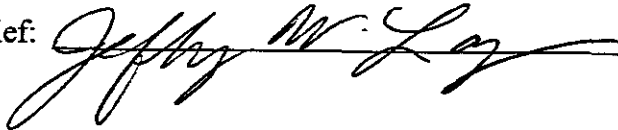
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 426, 435, 436, 437, 438, 439, 444, 445, 446, 448 and 455

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

June 2, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 24, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

426, 434, 435, 436, 437, 438, 439, 444, 445, 446, 447,
448, 449, 450, 451, 452, ~~453~~, and 455

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 387-4821, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

RECEIVED JUN 17 1999





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 5.21.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 444

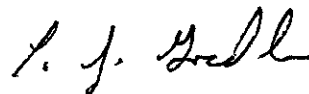
JRF

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

to 
Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

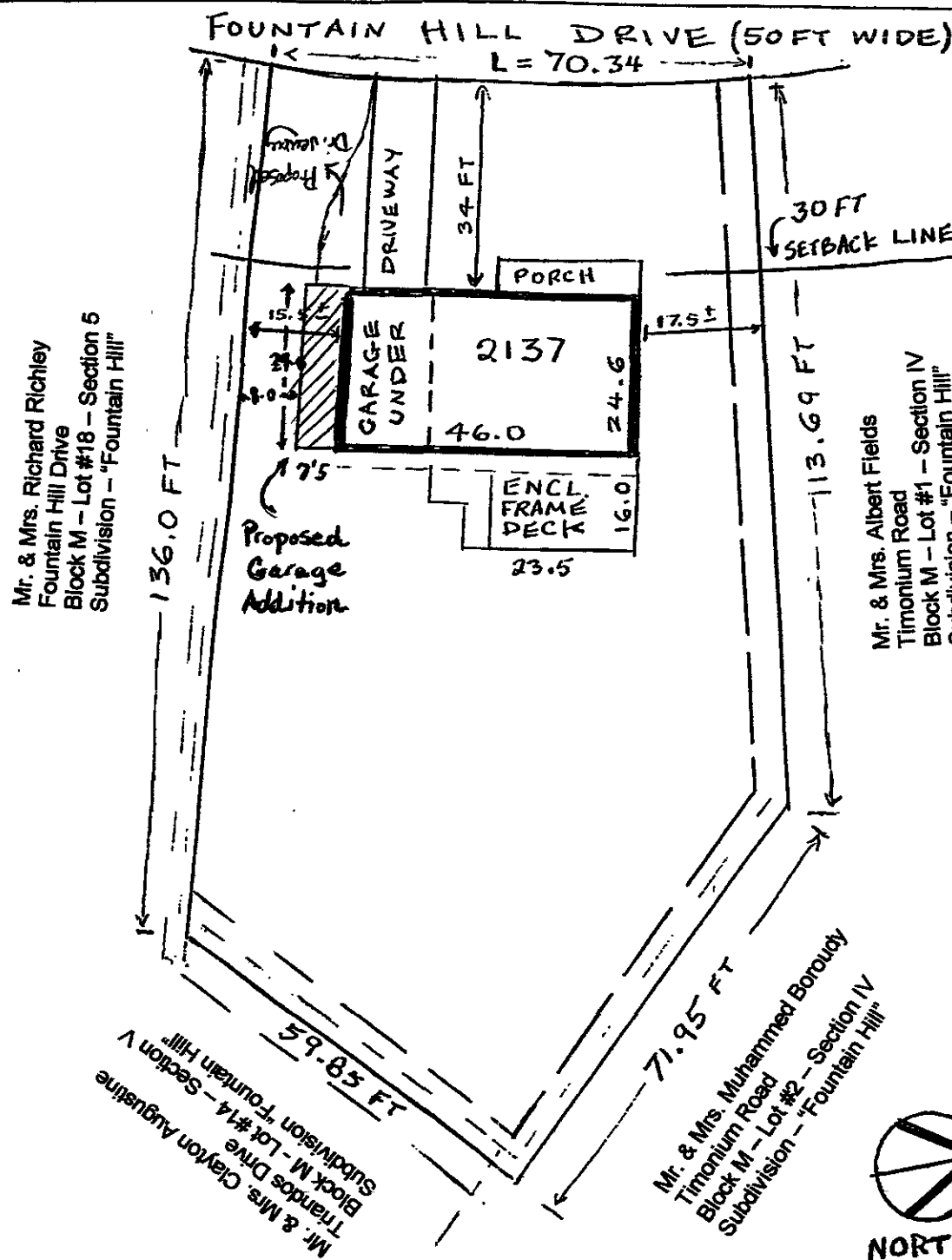
PROPERTY ADDRESS: 2137 Fountain Hill Drive

Folio 128

Subdivision Name: Fountain Hill

Plat Book # W.J.R. No. 27, Lot # 19, Section V

OWNER: Spiro and Louise Zachos



Lot 19, Block M, Plat Entitled "Resubdivision of Part of the Revised Plats of Section V and Part of Section IV, FOUNTAIN HILL," plat Book W.J.R. No. 27, Folio 128

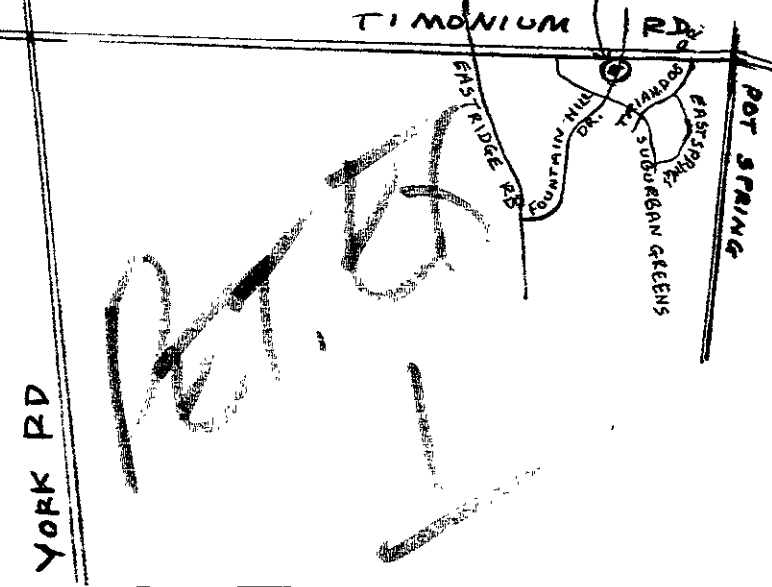
SCALE: 1" = 20'
DATE: May 5, 1999

PREPARED BY: S.S.Z.

VICINITY
MAP

1" = 1,000'

SUBJECT
PROPERTY



LOCATION INFORMATION

Councilmanic District: 4
Election District: 8
1" - 200' Scale Map: 1HA
Zoning: D.R. 3.5
Lot Size: 0.45 Acreage 18,000 Square feet

	Public	Private
SEWER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Yes	No

Chesapeake Bay Critical Area:

Prior Zoning Hearings: None

Zoning Office USE ONLY!

Reviewed by:

Item #:

Case #

JRF

444

199-444-A





PROPOSED
DRIVEWAY

Proposed
Driveway

16' door
19'5"

4'10"

8'0"

4'6"

match existing
house pitch

444

99-444-A



#444

99-444-A

←
LEFT
NEIGHBOR



(LEFT) THE OTHER SIDE YARD



STAKE
SURVEY
BORDER

99.444-A

RIGHT SIDE YARD

444
#



Side Yard - Proposed Location
of Addition



FRONT YARD

99-444-A

#444



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TIMONIUM

SHEET
N.E.
14-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401